

DELTA PROTECTION COMMISSION

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**AGENDA ITEM #8**

March 12, 1999

To: Delta Protection Commission
From: Lori Clamurro, Delta Protection Commission Staff
Subject: Legislative Update

The California Legislature convened on December 7, 1998, to be sworn into office and to introduce new bills for the 1999-2000 session. The last day for bills to be introduced was February 26, 1999. This memo lists the legislation of interest to the Delta Protection Commission which has been introduced for this session. Future memos will provide updates on these bills.

WATER**AB 50: Migden: WATER QUALITY: WASTE DISCHARGE REQUIREMENTS**

This bill would authorize the state and regional boards to require an application for waste discharge requirements to include a prescribed pollution prevention plan. The State Board would be required to incorporate the plans as part of the waste discharge requirements prescribed for certain dischargers.

STATUS: To Assembly Committee on Environmental Safety & Toxic Materials, 2/4/99

AB 237: Machado: RECYCLED WATER

Existing law regulates the use of recycled water. This bill would appropriate \$1.5 million from the General Fund for the State Water Resources Control Board (SWRCB) to conduct a study to assess sources of salinity on surface and groundwater quality and water recycling, and submit the study to the Legislature by January 1, 2001. This bill would also appropriate \$6 million from the General Fund for the SWRCB to award grants to public agencies, universities, and charitable nonprofit organizations, for the purpose of conducting, or assisting in the financing of, prescribed water recycling studies, investigations, and research and development.

STATUS: To Assembly Committee on Water, Parks, & Wildlife, 2/4/99

AB 303: Thomson: GROUNDWATER

Existing law declares that groundwater should be managed to ensure its safe production and its quality, and authorizes specified local agencies to adopt and implement groundwater management plans. This bill would declare that additional study of groundwater resources is necessary to better understand how to effectively manage groundwater to ensure the safe production, quality, and proper storage of groundwater in the State.

STATUS: To Assembly Committee on Water, Parks, & Wildlife, 2/19/99

AB 516: Wayne: PUBLIC WATER SYSTEMS

This bill would enact the California Safe Drinking Water Bond Act of 2000, which would authorize bonds in the amount of \$100 million for the purposes of financing a safe drinking water program.

STATUS: From printer 2/19/99; may be heard in committee on or after 3/21/99

AB 564: Machado: THE SAFE, CLEAN, RELIABLE WATER SUPPLY AND FLOOD PROTECTION ACT

Existing law provides funds for water projects, facilities, and programs. This bill would authorize an unspecified amount to enact the Safe, Clean, Reliable Water Supply and Flood Protection Act.

STATUS: From printer 2/23/99; may be heard in committee on or after 3/25/99

AB 703: Lempert: BALLAST WATER DISCHARGES

This bill would require the State Water Resources Control Board to make available to the public a ballast water report form and a ballast water discharge request form on or before March 1, 2000. On and after April 1, 2000, the master of a vessel would be required, upon entering the waters of the State, to submit to the Board a fully completed ballast water report form.

STATUS: From printer 2/25/99; may be heard in committee on or after 3/27/99

AB 732: Machado: WATER-TRANSFER CLEARINGHOUSE

This bill would require the California Water Commission to appoint a task force, with prescribed membership, to review third-party impacts of water transfers and to investigate the establishment of a water-transfer clearinghouse. The task force would be required to report to the Legislature and the Governor on or before December 1, 2000.

STATUS: From printer 2/25/99; may be heard in committee on or after 3/27/99

AB 786: Machado: SAN JOAQUIN RIVER AGREEMENT

Under existing law, various public and private agencies have entered into a "San Joaquin River Agreement" relating to the management of the San Joaquin River. This bill would prohibit the State Water Resources Control Board, the Department of Water Resources, and the Department of Fish and Game carrying out or expending any funds with regard to the Vernalis Adaptive Management Plan, as set forth in the San Joaquin River Agreement, until specified requirements are met.

STATUS: From printer 2/25/99; may be heard in committee on or after 3/27/99

AB 980: Ducheny: CONJUNCTIVE USE PROGRAMS

This bill would authorize the Department of Water Resources to provide grants to local public agencies for the purposes of undertaking feasibility studies, conjunctive use facilities, local pilot projects, and other facilities that are integral to the implementation of a conjunctive use plan or project, and for the acquisition of land for conjunctive use projects.

STATUS: From printer 2/26/99; may be heard in committee on or after 3/28/99

AB 1239: Leonard: SAFE DRINKING WATER, CLEAN WATER, FLOOD PREVENTION, AND WATER SUPPLY ACT

This bill would enact the Safe Drinking Water, Clean Water, Flood Prevention, and Water Supply Act, which would authorize the issuance of bonds in the amount of \$2.05 billion for purposes of financing a safe drinking water, flood protection, water quality, and water supply program.

STATUS: Assembly First Reading, 3/1/99

SB 530: Costa: THE SAFE, CLEAN, RELIABLE WATER SUPPLY AND FLOOD PROTECTION ACT

This bill is the same as AB 564.

STATUS: To Senate Committee on Rules, 3/3/99

ENVIRONMENT

AB 299: Thomson: WETLAND HABITAT MOSQUITO ABATEMENT FUND

Existing law authorizes mosquito and vector control districts to levy a service charge in connection with the abatement of mosquitos and vectors on property. This bill would appropriate \$125,000 from an unspecified source to the Wetland Habitat Mosquito Abatement Fund, created by the bill.

STATUS: To Assembly Committee on Water, Parks, & Wildlife, 2/19/99

AB 956: Cunneen: RECOVERY STRATEGY PROGRAM: BURROWING OWL

This bill would appropriate \$200,000 in the 1999 Budget Act to the Fish and Game Commission for the preparation of a recovery strategy for the burrowing owl.

STATUS: From printer 2/26/99; may be heard in committee on or after 3/28/99

AB 1074: Aanestad: WILDLIFE MANAGEMENT AREAS: CONSERVATION EASEMENTS

This bill would provide that, when real property or an interest in real property is acquired by the transfer of a conservation easement to the State, for purposes relating to wildlife conservation or habitat preservation, the Department of Fish and Game shall annually pay to the county in which the easement is located an amount equal to any property taxes levied upon the easement at the time the title is transferred to the State, and would require the Department to also pay its pro rata share of assessments levied upon the property by any irrigation, drainage, or reclamation district.

STATUS: From printer 2/26/99; may be heard in committee on or after 3/28/99

ACR 1: Thomson: VIC FAZIO YOLO WILDLIFE AREA

This Assembly Concurrence Resolution would request the Department of Fish and Game to change the name of the Yolo Bypass Wildlife Area to the Vic Fazio Yolo Wildlife Area.

STATUS: To Assembly Committee on Rules, 1/11/99

**SB 117: Murray: TRANSPORTATION FACILITIES: ENVIRONMENTAL
ENHANCEMENT AND MITIGATION PROGRAM FUND**

Existing law states that it is the intent of the Legislature, commencing July 1, 1991, to allocate \$10 million annually for ten years to the Environmental Enhancement and Mitigation Demonstration Program Fund. Under this fund, local, state, and federal agencies and nonprofit entities may apply for and receive grants for environmental and mitigation projects related to the environmental impact of modifying existing or the construction/expansion of new transportation facilities. This bill would extend the sunset date to June 30, 2004.

STATUS: Senate Committee on Transportation; hearing set for 4/6/99

SB 1057: Johannessen: ENVIRONMENTAL QUALITY: LAND ACQUISITIONS

The California Environmental Quality Act (CEQA) exempts certain classes of projects that have been determined not to have a significant effect on the environment from preparation of an EIR. This bill would prohibit the categorical exemption of a project that includes the acquisition of land for the purpose of fish and wildlife conservation or habitat establishment, preservation, restoration, or enhancement.

STATUS: Senate First Reading, 3/1/99

AGRICULTURE

AB 47: Cardoza: WILLIAMSON ACT: CANCELLATION FEES

Under the California Land Conservation Act of 1965, or the Williamson Act, a contract may be canceled upon the petition of the landowner and under specified conditions, for the payment of a cancellation fee to the Controller. Certain revenues are deposited into the Soil Conservation Fund, to be used for the support of specified agricultural programs. This bill would require that the funds paid to the Controller in connection with a Williamson Act contract cancellation that are not used to support the programs specified under existing law shall be deposited into the State's Agricultural Land Stewardship Program.

STATUS: To Assembly Committees on Agriculture and Natural Resources, 1/11/99

**AB 1229: Committee on Agriculture: AGRICULTURAL LAND CONSERVATION:
DISTRICTS**

This bill would authorize a district, including, but not limited to, an open space or other special district, to hold an agricultural conservation easement for the purpose of facilitating the implementation of the Agricultural Land Stewardship Program.

STATUS: Assembly First Reading, 3/1/99

AB 1480: Committee on Agriculture: WILLIAMSON ACT: AGRICULTURAL CONSERVATION EASEMENT

Under the Williamson Act, a city or county may enter into an agreement with a landowner to rescind a Williamson Act contract in order to simultaneously place other land under an agricultural conservation easement if the legislative body of the city or county finds that the proposed easement is consistent with specified criteria. This bill would instead require the legislative body to make the finding that the easement is consistent with specified eligibility criteria and one or more selection criteria.

STATUS: Assembly First Reading, 3/1/99

AB 1505: Ducheny: FARMWORKER HOUSING

This bill would authorize a landowner to set aside a portion, not exceeding five acres, of land under Williamson Act contract to be transferred to a nonprofit organization or municipal corporation and used for agricultural laborer housing. The landowner and organization would be exempt from payment of any deferred taxes and cancellation fees on that land.

STATUS: Assembly First Reading, 3/1/99

SB 95: Chesbro: WILLIAMSON ACT: CANCELLATION FEES

This bill is the same as AB 47.

STATUS: Amended 2/23/99; re-referred to Senate Committee on Appropriations

SB 229: McPherson: INCOME AND BANK CORPORATION TAXES: IRRIGATION

This bill would provide a credit, between January 1, 1999 and January 1, 2004, in an amount equal to 15% of cost by the taxpayer, for the purchase and installation of qualified water application or distribution equipment that is used in a business for the production of farm income and is installed on agricultural land that is owned or leased by the taxpayer at the time of installation. Qualified water application or distribution equipment means equipment that provides conservation or savings of at least 10% in comparison to the water used on the land in the prior taxable year.

STATUS: To Senate Committee on Revenue & Taxation, 2/3/99

RECREATION

AB 18: Keeley: PARKS AND RESOURCES IMPROVEMENT: BOND ACT

This bill would enact the Watershed, Wildlife, and Parks Improvement Bond Act of 2000, which would authorize the issuance of bonds in the amount of \$1.5 billion for the purpose of financing a program for the acquisition, development, improvement, rehabilitation, restoration, enhancement, and protection of park, recreational, cultural, historical, fish and wildlife, lake, riparian, reservoir, river, and coastal resources.

STATUS: To Assembly Committee on Water, Parks, & Wildlife, 2/1/99

AB 1287: Davis: OPERATION OF VESSELS: BOATING SAFETY COURSES

This bill would require any person convicted of specified provisions governing the unlawful operation of vessels to complete and pass a boating safety course approved by the Department of Boating and Waterways.

STATUS: Assembly First Reading, 3/1/99

SB 2: Chesbro: PARKS AND RESOURCES IMPROVEMENT: BOND ACT

This bill would enact the Watershed, Wildlife, and Parks Improvement Bond Act of 2000, which would authorize the issuance of bonds in the amount of \$849.5 million to finance the program described under AB 18.

STATUS: Amended 2/1/99; to Senate Committee on Natural Resources & Wildlife

SB 57: Hayden: PARKS, NATURAL RESOURCES, AND CLEAN COASTAL WATERS: BOND ACT

This bill would enact the Parks, Natural Resources, and Clean Coastal Waters Bond Act of 2000, which would authorize the issuance of bonds in the amount of \$500 million to finance the program described under AB 18.

STATUS: To Senate Committee on Natural Resources & Wildlife, 1/7/99

SB 74: Murray, Sher: PARKS, WILDLIFE, AND WATERSHED RESOURCES IMPROVEMENT: BOND ACT

This bill would enact the Parks, Wildlife, and Watershed Improvement Bond Act of 2000, which would authorize the issuance of bonds in the amount of \$1.084 billion to finance the program described under AB 18.

STATUS: Amended 1/19/99; to Senate Committee on Natural Resources & Wildlife

SB 387: Karnette: BOATING SAFETY AND EDUCATION

This bill would require the Department of Boating and Waterways to report to the Legislature by October 1, 2004 on, among other things, its activities in connection with approving boating safety and fair education courses, the experiences of boaters in complying with the mandatory and voluntary boater safety and fair requirements imposed by the bill, and the impact of these programs on reducing boating-related accidents, injuries, and fatalities.

STATUS: To Senate Committee on Natural Resources & Wildlife, 2/25/99

SB 841: Rainey: VESSELS: DISPOSAL OF PROPERTY

Existing law requires a public agency that removes or causes the removal of any wrecked property, abandoned property, or property removed from a navigable waterway, if it is unable to locate persons known to have an interest in the property, to publish the notice of removal for at least two weeks in succession in one or more daily newspapers circulated in the county. This bill would change the notice period to once a week for two successive weeks. [This is the bill that the Delta Protection Commission agreed to sponsor, if needed, at the January 1999 meeting.]

STATUS: From printer 2/26/99; may be heard in committee on or after 3/28/99

LAND USE

AB 838: Cardoza: LAND USE: GENERAL PLAN

This bill would require the land use element of a general plan to identify areas of prime agricultural land that are currently in use or have been in use during the previous five years.

STATUS: From printer 2/25/99; may be heard in committee on or after 3/27/99

AB 950: Wiggins: LOCAL AGENCY FORMATION COMMISSIONS: AGRICULTURAL LAND

This bill would require a LAFCO to consider the policy that the development or use of land in open-space use for other than open-space uses is to be guided away from open-space lands of statewide significance and prime commercial rangeland.

STATUS: From printer 2/26/99; may be heard in committee on or after 3/28/99

SB 153: Haynes: PRIVATE PROPERTY RIGHTS: TAKING IMPACT ANALYSIS

This bill would enact the Property Owner Rights Act of 1999, which would require public agencies to minimize the number of agency actions that may significantly impair the use of private property.

STATUS: To Senate Committee on Judiciary, 1/20/99

SB 225: Rainey: GENERAL PLAN: CONSISTENCY

Existing laws require various governmental actions, programs, and projects to be consistent with the general plan of the city or county. This bill would provide that for purposes of the Planning and Zoning Law an action, program, or project is consistent with the General Plan if, when considered in its entirety, it will further the objectives and policies of the general plan.

STATUS: Senate Third Reading, 3/8/99

SB 649: Costa: OPEN-SPACE SUBVENTIONS

Existing law requires the Controller to pay subventions to local governments at specified rates per acre to replace property tax revenues lost through the reductions in assessments of property restricted to open-space use. This bill would include within those provisions certain land for which a notice of nonrenewal of a use restriction has been served, if the land was previously assessed at a specified rate applicable to land subject to a farmland security zone contract.

STATUS: From printer 2/25/99; may be heard in committee on or after 3/27/99

SB 680: O'Connell: LAND AND WATER CONSERVATION

This bill would enact the California Land and Water Conservation Act of 1999. The Secretary of the Resources Agency would implement a program under which qualified property may be contributed to the state, any local government, or any nonprofit organization designated by a local government, in order to provide for the protection of wildlife habitat, open space, and agricultural lands. The donor would receive a tax credit for 55% of the fair market value of the property.

STATUS: From printer 2/25/99; may be heard in committee on or after 3/27/99

SB 1164: Mountjoy: PUBLIC LANDS PROTECTION ACT

This bill would enact the Public Lands Protection Act, which, until January 1, 2008, would prohibit undeveloped private property from being developed or used for any purpose other than agriculture, grazing, or low-density residential use, or from being rezoned to allow development at a higher level of residential density use, unless the proposed rezoning is summarized in a proposal that is submitted to the voters in a local ballot measure and approved by a majority of the voters.

STATUS: Senate First Reading, 3/1/99

FLOOD/DISASTER RELIEF

AB 113: Florez: DISASTERS

This bill would enact the Agricultural Economic Disaster Act of 1999, providing the Governor with emergency powers to allocate funds to certain agriculture-related enterprises in connection with natural disasters or a state of emergency in affected areas. This bill would create the Agricultural Natural Disaster Assistance Fund as a special fund in the State Treasury and require the Controller to establish the Agricultural Emergency Action Account within the Fund, into which would be paid moneys appropriated annually by the Legislature for the assistance of private and public organizations that have incurred expenses in responding to a natural disaster or state of emergency affecting the agricultural industry. Finally, this bill would establish, until January 1, 2005, an Agricultural Disaster Emergency Response Operations Account within the Reserve for Economic Uncertainties, which would be continuously appropriated by the Director of Finance to state agencies for disaster response and operation costs incurred by state agencies as a result of an agriculture-related state of emergency proclamation of the Governor.

STATUS: To Assembly Committee on Governmental Organization, 1/15/99

AB 793: Maddox: FLOOD CONTROL

This bill would appropriate \$132 million from the General Fund to the Department of Water Resources for allocation to eligible local entities to pay for the State's share of flood control and flood prevention projects.

STATUS: From printer 2/25/99; may be heard in committee on or after 3/27/99

AB 1122: Machado: LOCAL DISASTER PREPAREDNESS TRUST FUND

This bill would establish the Local Disaster Preparedness Trust Fund in the State Treasury. The Controller would allocate funds to eligible local agencies, for purposes relating to disaster preparedness and response, according to work plans meeting specified criteria. It is the intent of the Legislature that \$10 million be appropriated every year for five years for these purposes.

STATUS: From printer 2/26/99; may be heard in committee on or after 3/28/99

AB 1521: Machado: DELTA FLOOD CONTROL AND LEVEE MAINTENANCE PROGRAMS

Existing law requires the Department of Water Resources (DWR) to implement a program for the maintenance and improvement of levees in the Delta which are not project facilities. This bill would appropriate \$25 million from the General Fund to DWR, of which \$12.5 million would be used for that program of flood control projects and \$12.5 million would be used for local assistance.

STATUS: Assembly First Reading, 3/1/99

STATE AGENCIES

AB 187: Hertzberg: GRANT INFORMATION ACT OF 1999

This bill would establish the Grant Information Act of 1999 to require state agencies to make available on their websites, on or before July 1, 2000, or within 6 months of the establishment of the website, a listing of all grants administered by that agency, as well as instructions on filing grant applications electronically and/or by mail.

STATUS: To Assembly Committees on Consumer Protection, Government Efficiency, and Economic Development, 2/1/99

AB 534: Machado: CALFED BAY-DELTA PROGRAM

This bill would prohibit a state or local public agency from expending any funds for the development of an isolated conveyance facility that is recommended by the CALFED Bay Delta Program until the Legislature, by statute, specifically approves that option.

STATUS: To Assembly Committee on Water, Parks, & Wildlife, 3/4/99

AB 909: Machado: CALIFORNIA BAY-DELTA COMMISSION

This bill would create the California Bay-Delta Commission for the purpose of carrying out the proposed CALFED environmental restoration of the San Francisco Bay and Delta.

STATUS: From printer 2/26/99; may be heard in committee on or after 3/28/99

SB 750: Johnston: DELTA PROTECTION ACT

This bill would eliminate the Delta Protection Commission's January 1, 2010 termination date. It would also prohibit a local agency formation commission from approving the formation of a city within the primary zone.

STATUS: From printer 2/25/99; may be heard in committee on or after 3/27/99

SB 1114: Hayden: FISH AND WILDLIFE

This bill would change the name of the Department of Fish and Game and the Fish and Game Commission to the Department of Fish and Wildlife and the Fish and Wildlife Commission, respectively. The mission of the Commission and the Department would be to conserve, protect, enhance, and maintain healthy, sustainable, and viable wildlife resources for varying purposes. This bill would require the Department to divide the State into 11 bioregions and to submit an report to the Commission and the Legislature that describes the resources being managed in each bioregion. The Governor would be required to appoint members who represent specified interests on the Fish and Wildlife Commission.

STATUS: Senate First Reading, 3/1/99